MYSORE ACT No. I OF 1883

THE MYSORE CIVIL COURTS ACT, 1883.

(As Amended by Acts V of 1892, VI of 1894, II of 1898, III of 1901, VIII of 1911, IX of 1915. VII of 1926, VIII of 1937, and XXXVIII of 1951.)

(PASSED ON THE 16TH DAY OF JUNE, 1883.)

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the [1][State of Mysore except Bellary District] subordinate to the Court of the Chief Justice of Mysore; His Highness the Maharaja is pleased to enact as follow :—

Short title. **1.** This Act may be called "The Mysore Civil Courts Act, 1883."

Local extent. It extends to the [1][whole of the State of Mysore except Bellary District];

Commencement. And it shall come into force on the 1st day of July 1883.

Rules repealed. **2.** From and after that day, the Notification of the Government of India No. 235 I. J., Foreign Department, dated Simla, the 27th August 1879, shall be repealed.

Class and designation of Courts. **3.** Besides the Court of the Chief Justice of Mysore, which shall hereafter be styled "The High Court of Mysore" there shall be [2] [four] classes of Civil Courts, namely.—

1stly. The District Court.
2ndly. The Court of the Subordinate Judge.
3rdly. The Court of the Munsiff.
[3][4thly. The Court of Small Causes].

Number of Courts. **4.** (*a*) The number of District Courts and of the Courts of Subordinate Judges and Munsiffs [3] [and of the Courts of Small Causes] shall be fixed, and may, from time to time, be altered by the Government of Mysore.

Locality of Courts. (*b*) The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Government of Mysore:

Appointment of Judges. (*c*) The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that

1. See Mysore Adaptation of Laws Order, 1953.
2. Substituted for the word "three" by Schedule II to Act VIII of 1911.
3. These words were added by Schedule II to Act VIII of 1911.

the appointment of a Munsiff shall be made only upon nomination by the High Court of Mysore :

[1][Provided further that in emergent cases, *i.e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the High Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office.]

(*d*) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this section. Seal of Court.

[2][**4-A.** The Government of Mysore may by notification, fix, and from time to time vary, the number of Judges to be appointed for a District or Subordinate Judge's or Munsiff's Court. Number of Judges for each Court.

4-B. When more than one Judge is appointed for a District or Subordinate Judge's or Munsiff's Court, one of the Judges shall be appointed the Principal Judge and the others Additional Judges. Distribution of work.

Each of the Judges appointed to a District or Subordinate Judge's or to a Munsiff's Court, may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force.

Subject to the general or special orders of the High Court, the Principal District Judge may and subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.]

5. The Government of Mysore may fix, and may from time to time alter, the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff [3][or of a Court of Small Causes]. The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Act. Local jurisdiction of Courts.

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1. This proviso was added by Act VI of 1894.
2. Substituted by Act VIII of 1937.
3. These words were added by Schedule II to Act VIII of 1911.

Jurisdiction of District Courts.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Principal Civil Court in District.

7. The District Court shall be deemed to be the Principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

Control of Subordinate Courts in District.

8. The District Court shall, subject to the general control of the High Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Jurisdiction of Subordinate Judge.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000:

Power to enhance Subordinate Judge's jurisdiction up to Rs. 10,000 or without limit.

[1][Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000], [2][or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject-matter.]

Jurisdiction of Munsiff.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000:

Power to enhance Munsiff's jurisdiction up to Rs. 2,500.

[1][Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500].

Jurisdiction of a Court of Small Causes.

[3][**10-A.** The jurisdiction of a Court of Small Causes shall be regulated in accordance with the law relating to such Courts for the time being in force in [4][the State of Mysore except Bellary District].

Valuation of suits.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Act, be fixed in manner provided by the Court Fees Act, 1870, section 7, clause (v).[5]

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1. Added by Act II of 1898.
2. Added by Act III of 1901.
3. This section was added by Schedule II to Act VIII of 1911.
4. See the Mysore Adoptation of Laws Order, 1953.
5. Now, the Court Fees Act, 1900, section 4, clause v.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the High Court of Mysore. Appeal from District Court.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the High Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. [1][10,000], in which case the appeal shall lie to the District Court having local jurisdiction. Apppeal from Subordinate Judge.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction : Appeal from Munsiff.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction :

[2]And provided further that, notwithstanding anything contained in section 14 of the Mysore High Court Act, 1884, as amended by Act II of 1890, the Government may, from time to time, by notification in the official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification shall lie direct to any such Subordinate Judge.

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal, suit or proceeding shall, when such appeal is allowed by law, lie to the High Court of Mysore. Second Appeal.

16. The Government of Mysore may, by notification in the *Mysore Gazette*, invest, within such local limits as it shall from time to time appoint, any [3][District Judge or] Subordinate Judge or other officer specially selected by it, with jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court, up to any amount not exceeding Rs. 500 ; Small Cause powers.

and any Munsiff, with the same jurisdiction up to any amount not exceeding Rs. 100,[4]

and it may, by like notification, withdraw or alter the jurisdiction so vested.

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1. Substituted by Act XXXVIII of 1951.
2. This further proviso was added by Act III of 1901.
3. These words were inserted by Act V of 1892.
4. The figure "100" was substituted for "50" by Act IX of 1915.

Law applicable to questions of succession etc.

17. Where in any suit or proceeding it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution,

(*a*) the Muhammadan law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

Refund of half fee in uncontested cases.

[1][**17-A.** Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal :

Provided that the said application is made within six months of date when the judgment or final order was passed.

In all such cases, the party ordered to pay costs, shall be charged only with half the amount of the institution fee.]

Judge not to try suits in which he is interested.

18. No judge shall try any suit to, or in, which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

or, appeals from his decrees passed in another capacity.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 25[2].

1. This section was inserted by Act II of 1898.
2. New section 24 of Act III of 1911.

Suspension or removal of Judges.

19. Any District Judge, Subordinate Judge, [1]Munsiff [2][or a Judge of a Court of Small Causes] may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or removal of Munsiffs.

20. The High Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct, or appoint a commission for enquiring thereinto.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the High Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

Appointment, etc., of ministerial officers.

[3][**21.** Subject to such rules as the Government of Mysore may prescribe in this behalf, the ministerial officers of every Court shall be appointed, and may be fined, suspended or removed, by the Judge of that Court].

Vacations.

[4][**22.** (1) In addition to public holidays authorised by the State Government, the civil courts subordinate to the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed sixty days and the period of each vacation in each year shall be fixed by the Chief Justice.]

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1. The word 'or' here was omitted by Schedule II to Act VIII of 1911.
2. These words were added by Schedule II to Act VIII of 1911.
3. Substituted by Act IX of 1915.
4. Substituted by Act XXXVIII of 1951.